Labour Provisions – Canada’s Approach

Submitted by: Canada
## Labour

### APEC Workshop on Trade and Labour Negotiations
June 28-29, 2013
Medan, Indonesia

### Session 4

LABOUR PROVISIONS – CANADA’S APPROACH

### CORE OBLIGATIONS

- Domestic labour laws and practices embody and respect the rights and principles set out in the ILO’s 1998 *Declaration on Fundamental Principles and Rights at Work.*

- Protections for occupational health and safety, hours of work, wages and migrant workers.

- A broad non-derogation clause.
Labour

INSTITUTIONAL MECHANISMS

- **Ministerial Council:**
  - comprised of labour ministers or their designees;
  - may seek the advice of independent experts
- **National Administrative Office:**
  - serves as a point of contact;
  - responsible for establishing procedures for the submission, acceptance and review of public communications, which may only be from its own citizens;
  - may request general consultations in relation to any matter arising under the Agreement.

Complaint Process

- **Complaint Process - two stages:**
  - Government/Ministerial Consultations: any obligation
  - Review Panel: Labour Specific DS Mechanism
  - What can go to Review Panel (see Panama LCA text):
    - Trade-related; and
    - Failure in regard to the content of a law, i.e. not respecting fundamental rights as stated in the ILO Declaration; or
    - Persistent pattern of failure in regard to enforcing existing laws related to any labour rights
Labour

REMEDIES

- If Review Panel determines there is non-compliance, Parties may agree on an action plan.
- If action plan not implemented, or the non-compliance is not remedied, the Review Panel determines an annual monetary assessment which may go into a fund
- Review Panel may adjust the assessment to reflect:
  - any mitigating factors (e.g. good faith efforts); and
  - any aggravating factors (e.g. pervasiveness and duration of the failure)

THANK YOU